Veterans Affairs Canada

Annual Report on the Administration of the *Privacy Act*

April 1, 2009 - March 31, 2010

The Honourable Jean-Pierre Blackburn, MP
Minister of Veterans Affairs

Veterans Affairs Canada | Anciens Combattants Canada

Canada

TABLE OF CONTENTS

1. INTRODUCTION ..... Page 1
   - Veterans Affairs Portfolio ..... Page 1
   - Veterans Affairs Canada ..... Page 1
   - The Office of the Veterans Ombudsman ..... Page 2
2. ACCESS TO INFORMATION AND PRIVACY COORDINATOR'S OFFICE ..... Page 2
3. DESIGNATION ORDER ..... Page 4
4. *PRIVACY ACT* DELEGATION TABLE ..... Page 5
5. STATISTICAL REPORT - INTERPRETATION AND EXPLANATION ..... Page 7
   - I Requests Under the *Privacy Act* ..... Page 7
   - II Disposition of Requests Completed ..... Page 8
   - III Exemptions Invoked ..... Page 10
   - IV Exclusions Cited ..... Page 11
   - V Completion Time ..... Page 11
   - VI Extensions ..... Page 12
   - VII Translations ..... Page 12
   - VIII Method of Access ..... Page 12
   - IX Corrections and Notations ..... Page 13
   - X Costs ..... Page 13
6. DESCRIPTION OF MAJOR CHANGES IMPLEMENTED ..... Page 14
   - Department ..... Page 14
   - Information Management Services Directorate (IMSD) ..... Page 14
7. PRIVACY TRAINING AND AWARENESS ..... Page 15
   - Training ..... Page 15
   - Awareness ..... Page 16
8. POLICIES AND GUIDELINES ..... Page 17
9. COMPLAINTS AND INVESTIGATIONS ..... Page 17
10. PRIVACY IMPACT ASSESSMENTS (PIAS) ..... Page 18
    - PIAs in Support of the Allied Veterans Initiative ..... Page 18
11. DISCLOSURES PURSUANT TO PARAGRAPH 8(2)(*m*) ..... Page 19
12. DISCLOSURES PURSUANT TO SUBSECTION 8(2) ..... Page 19
13. APPEALS TO THE COURTS ..... Page 20

Annex 1 - Statistical Report on the *Privacy Act* ..... Page 22
Annex 2 - Four-Year Statistical Analysis ..... Page 23

1. INTRODUCTION

The *Privacy Act* gives Canadian citizens and corporations the right to have access to federal government records, subject to certain specific exceptions. The Act complements but does not replace other procedures for obtaining government information. It is not intended to limit in any way the access to government information that is normally available to the public upon request.

In accordance with section 72 of the *Privacy Act*, the head of an institution is required to submit an annual report to Parliament on the institution's administration of the Act during the fiscal year. This document reports on the activities of the Department of Veterans Affairs, the Office of the Veterans Ombudsman, the Director of Soldier Settlement and the Director of the Veterans' Land Act, and describes how Veterans Affairs Canada (VAC) fulfilled its access to information and privacy protection responsibilities during the fiscal year commencing April 1, 2009, and ending March 31, 2010.

The Veterans Review and Appeal Board (VRAB) will submit a separate and distinct report to Parliament.

Veterans Affairs Portfolio

Veterans Affairs is a portfolio consisting of the following organizations: Veterans Affairs Canada (VAC, the Department); the Office of the Veterans Ombudsman (OVO); and the Veterans Review and Appeal Board (VRAB, the Board).

Veterans Affairs Canada

Canada's development as an independent country with a unique identity stems in no small measure from its achievements in times of war. A good part of our modern identity is also associated with pride in Canada's enviable peacekeeping record. Canada's contribution to global peace and security, both as ally and peacekeeping partner, has come at a heavy price in terms of lives sacrificed, health forfeited and hopes unfulfilled. The Department exists to repay the nation's debt of gratitude toward those whose courageous efforts have given us this legacy, and have contributed to our growth as a nation.

Veterans Affairs Canada's mandate stems from laws, regulations and Orders in Council. Among the more significant is the *Department of Veterans Affairs Act*, which charges the Minister of Veterans Affairs with the following responsibilities:

> *" . . . the care, treatment, or re-establishment in civil life of any person who served in the Canadian Forces or merchant navy or in the naval, army or air forces or merchant navies of Her Majesty, of any person who has otherwise engaged in pursuits relating to war, and of any other person designated . . . and the care of the dependants or survivors of any person referred to . . . "*

Veterans Affairs Canada (VAC) provides services to a highly diverse clientele which reflects the remarkable breadth of Canada's contributions to world peace. Our clients include:

Veterans:

- Armed Forces and Merchant Navy Veterans who served during the First World War, the Second World War or the Korean War;
- Former and, in certain cases, current members of the Canadian Forces, including those who served in Special Duty Areas and in peacekeeping; and
- Allied Veterans who lived in Canada prior to periods of war.

Other Clients:

- Certain civilians who are entitled to benefits because of their war time services;
- Former and, in certain cases, serving members of the Royal Canadian Mounted Police; and
- Survivors and dependants of the foregoing groups.

In addition to serving these clients, VAC receives many requests for information from members of the public. We are proud to assist those who approach the Department with requests for information on our programs, services and activities. VAC joins with all Canadians in recognizing the sacrifices and achievements of those who have served in the cause of peace and freedom around the world over the years.

VAC remains strongly committed to upholding the principles of the *Privacy Act*, while providing a high level of service to our clients.

The Office of the Veterans Ombudsman

The Veterans Ombudsman is an independent officer who reports directly to the Minister of Veterans Affairs. The Ombudsman is impartial and mandated to uphold the Veterans Bill of Rights, and to receive and review complaints stemming from programs and services provided or administered by Veterans Affairs or pertaining to the Veterans Bill of Rights. The Ombudsman assists Canada's Veterans by providing them with information on the Department's programs and services.

2. ACCESS TO INFORMATION AND PRIVACY COORDINATOR'S OFFICE

The administration of the *Privacy Act* is the responsibility of the Access to Information and Privacy Coordinator's Office which was part of the former Information Management Services Division (IMSD). In 2009-2010, IMSD and the Information Technology and Telecommunications Division melded to become the Information Technology and Information Management (ITIM) Division within the Corporate Services Branch. The Director General ITIM is also the ATIP Coordinator; the union of these two roles brings together specialists who manage and protect the Portfolio's paper-based and electronic information holdings. The ATIP

Coordinator acts on behalf of the Minister of Veterans Affairs, the Deputy Minister of VAC and the Veterans Ombudsman to administer the *Access to Information Act* and the *Privacy Act*. The office has a dual function of serving both the public and the Department in matters relating to the *Access to Information Act* and the *Privacy Act*.

The mandate of the ATIP Coordinator's Office within VAC is to administer the *Access to Information Act* and the *Privacy Act*, and to facilitate institutional compliance with legislative and central agency requirements. The main duties of the ATIP Coordinators's Office are to:

- Process requests for information submitted under the *Access to Information Act* and the *Privacy Act* in accordance with the legislation, regulations and Treasury Board of Canada Secretariat (TBS) policies and guidelines;
- Provide VAC managers and staff with advice and guidance regarding the interpretation and application of the *Access to Information Act*, the *Privacy Act*, and other related TBS policies and guidelines;
- Develop policies, procedures and guidelines for the administration of the ATIP acts and other related TBS policies and guidelines;
- Coordinate the completion of Privacy Impact Assessments (PIAs);
- Coordinate the resolution of any complaints against VAC made to the Information Commissioner under the *Access to Information Act* and to the Privacy Commissioner under the *Privacy Act*;
- Promote awareness of the ATIP acts to ensure departmental responsiveness to the obligations imposed on federal institutions;
- Coordinate the preparation of the VAC chapter of the *Info Source* publication; and
- Prepare annual reports to the TBS and Parliament on the *Access to Information Act* and the *Privacy Act*.

Formal request processing is centralized within the ATIP Coordinator's Office in Charlottetown, Prince Edward Island, and the responsibility for disclosure rests primarily with this office. The Coordinator's Office consists of a Coordinator and a complement of 9.5 full-time equivalents (FTEs) including a Deputy Coordinator. The Office is supported by the Information Management Policy and Strategic Planning (IMPSP) Unit which specializes in providing ATIP advice and guidance, coordinating Privacy Impact Assessments (PIAs), providing updates to *Info Source* and Personal Information Banks and other matters relating to policy, procedures and training.

The ATIP Coordinator's Office supports and maintains a network of 27 ATIP Liaison Officers in each major division and region of the Portfolio. VAC has 19 liaison officers in the Charlottetown Head Office, and 8 in the Regional Offices. The liaison officers, upon request, are responsible for information retrieval from the Office of Primary Interest (OPI) and for identifying sensitive information which may qualify for exemption under the Act.

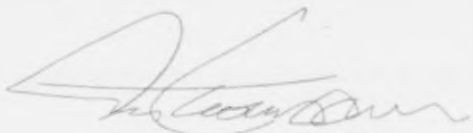
3. DESIGNATION ORDER

The responsibilities associated with the administration of the *Privacy Act*, such as notifying applicants of extensions and transferring requests to other institutions, are designated to the departmental ATIP Coordinator through a delegation instrument signed by the Minister of Veterans Affairs.

PRIVACY ACT DESIGNATION ORDER

The Minister of Veterans Affairs, pursuant to section 73 of the *Privacy Act**, hereby designates the persons holding the positions in the Department of Veterans Affairs set out in the schedule attached hereto, to exercise the powers and perform the duties and functions of the Minister as the head of a government institution under the sections of the Act set out in the schedule opposite the positions.

Dated at Ottawa, this day of 2009



Minister of Veterans Affairs

On October 14, 2010, VRABs responsibilities associated with the administration of the Privacy Act were designated to the appropriate VRAB officials through a delegation instrument signed by the Chairperson, Veterans Review and Appeal Board.

4. *PRIVACY ACT* DESIGNATION SCHEDULE

HEAD OF THE INSTITUTION		MINISTER OF VETERANS AFFAIRS		
Sections of the *Privacy Act*	Powers, Duties or Functions	Institutions and Titles		
		DVA		VRAB
73	All powers, duties or functions of the head of the institution	Deputy Minister		Chairperson
8(2)(*m*)	Disclose personal information without the consent of the person concerned, in the public interest or to benefit the individual	Deputy Minister	Veterans Ombudsman	Chairperson
20; 21	Approve exemptions	ADMs	Veterans Ombudsman	Director General
8(2)(*a*)(*b*)(*c*)(*d*)(*e*)(*f*)(*g*)(*h*)(*i*)(*j*)(*k*)(*l*)	Disclose personal information without the consent of the person concerned: for a consistent use; in accordance with other Acts of Parliament; to comply with subpoenas; to the Attorney General for legal proceedings; to Federal Investigative Bodies; under agreement/arrangement with other governments; to members of Parliament helping individuals resolve a problem; to internal auditors or the Comptroller General; to the Public Archives; to researchers; to aboriginal peoples to settle land claims issues; and for purposes of locating an individual	ATIP Coord./ Deputy Coord.	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
8(5)	Notice of disclosure under paragraph 8(2)(*m*)	ATIP Coord./ Deputy Coord.	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
8(4); 9(1)	Retain copies and records	ATIP Coord./Deputy Coord.		ATIP Coord./ Deputy Coord.
9(4); 10	Notify Privacy Commissioner of consistent use and amend index of personal information banks	ATIP Coord./Deputy Coord.		ATIP Coord./ Deputy Coord.
14(*a*)	Give notices re: access to records within 30 days	ATIP Coord./ Deputy Coord./ Officer	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
15	Approve extension of time limits	ATIP Coord./ Deputy Coord.	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.

17(2)	Language of access	ATIP Coord./ Deputy Coord./ Officer	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
19; 22; 23; 24; 25; 26; 27; 28	Approve exemptions	ATIP Coord./ Deputy Coord.	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
26; 27; 28	Approve exemption	ATIP Officer		
31; 33(2); 35(1)(4); 36(3); 37(3); 51(2)(*b*)(3)	Receive and give notices during an investigation	ATIP Coord./ Deputy Coord.	OVO - Legal Advisor	ATIP Coord./ Deputy Coord.
72(1)	Prepare annual report to Parliament	ATIP Coord./Deputy Coord.		ATIP Coord./ Deputy Coord.

LEGEND:
DVA: Department of Veterans Affairs
OVO: Office of the Veterans Ombudsman
VRAB: Veterans Review and Appeal Board
ADM: Senior Assistant Deputy Minister, Policy, Programs and Partnerships Branch
Assistant Deputy Minister, Service Delivery and Commemoration Branch
Assistant Deputy Minister, Corporate Services Branch

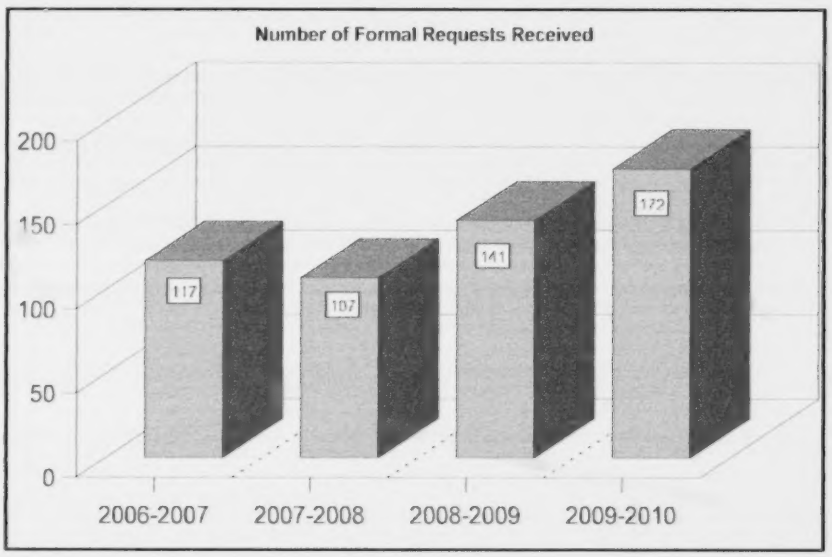
5. STATISTICAL REPORT - INTERPRETATION AND EXPLANATION

The Statistical Report, included in Annex 1, provides a summarized statistical report of formal *Privacy Act* applications processed by VAC between April 1, 2009, and March 31, 2010. The following narrative provides explanations and interpretations of the statistical data.

I REQUESTS UNDER THE *PRIVACY ACT*

Formal Requests

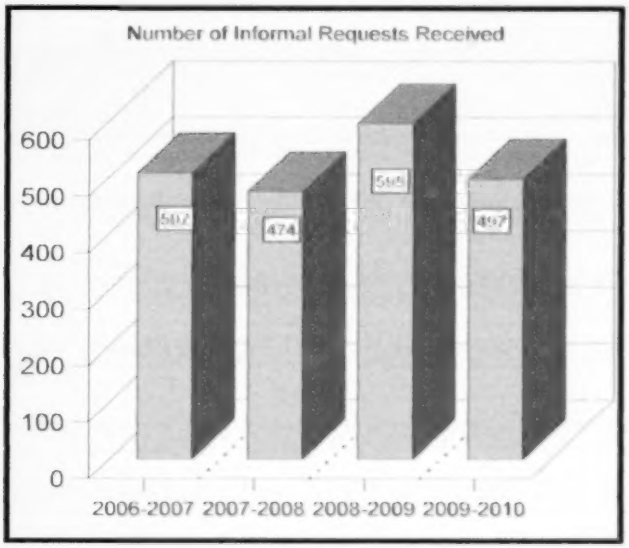
Between April 1, 2009, and March 31, 2010, VAC received 172 formal requests for information under the *Privacy Act*. This represents an increase of 31 requests (or 22 per cent) from the 2008-2009 fiscal year; a 61 per cent increase as compared to the 2007-2008 fiscal year; and a 47 per cent increase as compared to the 2006-2007 fiscal year. These 172 requests, combined with 17 outstanding requests from the previous period, totalled 189 requests requiring action in the 2009-2010 reporting period.



Fifteen (15) outstanding requests have been carried forward into the 2010-2011 fiscal year.

Informal Requests

The following graph represents the four-year trend of informal requests received.

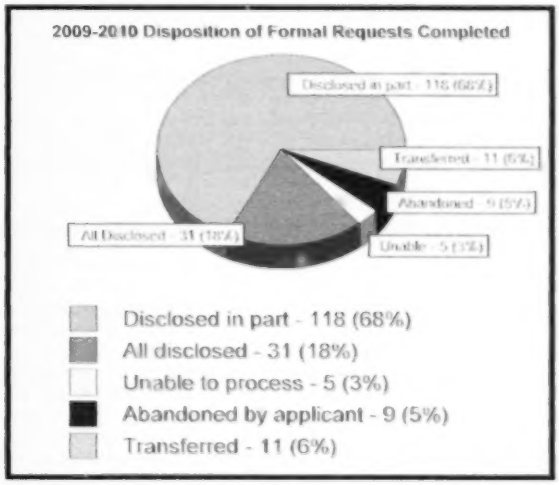


II DISPOSITION OF REQUESTS COMPLETED

Formal Requests

In total, 174 requests requiring attention were completed during the reporting period, representing a 92 per cent completion rate.

The disposition of the 174 requests completed in 2009-2010 is as follows:


2009-2010 Disposition of Formal Requests Completed
Disclosed in part - 118 (68%)
All disclosed - 31 (18%)
Unable to process - 5 (3%)
Abandoned by applicant - 9 (5%)
Transferred - 11 (6%)

Requests where records did not exist were recorded in the "unable to process" category.

The following chart compares the number of pages reviewed and released for formal requests during the past three reporting periods. For statistical purposes, it is important to note that pages with any exemptions or exclusions applied are counted as pages released.

Period	2007-2008	2008-2009	2009-2010	Variance 2009/2010 over 2008/2009
Pages Reviewed	49,695	58,816	84,146	43%
Pages Released	39,886	49,827	65,266	31%
Pages not Released	9,809	8,989	18,880	110%
Percentage of Pages not Released	20%	15%	23%	N/A

174 formal requests (92 per cent of requests requiring attention) were completed over this fiscal year, as compared to 129 requests (89 per cent of requests requiring attention) completed in the 2008-2009 fiscal year. This is a 35 per cent increase in requests completed, or, as demonstrated in the table above, a 43 per cent increase in the number of pages reviewed.

Informal Requests

In keeping with its commitment to quality client service and transparency, the ATIP Coordinator's Office continued to informally process Privacy requests in 2009-2010. 497 requests required processing this fiscal year, representing a 16 per cent decrease over the previous fiscal year.

75 outstanding requests have been carried forward into the 2010-2011 fiscal year.

The following chart compares pages reviewed and released for informal requests during the past three reporting periods.

Period	2007-2008	2008-2009	2009-2010	Variance 2009/2010 over 2008/2009
Pages Reviewed	73,235	103,278	81,395	- 21%
Pages Released	41,966	65,078	44,827	- 31%
Pages not Released	31,269	38,200	36,568	- 4%
Percentage of Pages not Released	43%	37%	45%	N/A

422 requests (85 per cent of requests requiring attention) were completed over this fiscal year, as compared to 534 requests (90 per cent of requests requiring attention) completed in the 2008-2009 fiscal year. This is a 21 percent decrease in requests completed, and coincidentally, a 21 per cent decrease in pages reviewed, as demonstrated in the table above.

The percentage of pages not released for formal requests is lower than the percentage for informal requests. This reflects the nature of informal requests which tend to consist of requests for specific documents requiring fewer pages needing review. Formal requests often consist of requests for the entire file, increasing the incidence of pages with third party information.

The overall workload trend in the unit is shifting from informal requests to formal requests. (Please refer to Section I - Requests Received Under the *Privacy Act* of this report). This shift has placed significant pressures on the staff to ensure the 30-day deadline is met when dealing with large volumes of records. This is commensurate with the change in VAC's clientele from the traditional war Veterans to CF members and Veterans and RCMP members and the new programs and services offered under the New Veterans Charter. It has been observed that the new clients request more detailed documentation related to VAC decisions and are knowledgeable about, and understand their rights to such information.

There is no legislated time frame set for informal requests within the *Privacy Act*, however, 286 (58 per cent) of informal requests were completed within 60 days.

III EXEMPTIONS INVOKED

This section of the statistical interpretation identifies the number of requests where specific types of exemptions have been invoked.

VAC invoked 125 exemptions under sections 22, 25, 26 and 28. This is a 49 per cent increase over the 2008-2009 reporting year. The most frequently used exemption was section 26 which is used to protect information about another individual.

For statistical purposes, it is important to note that exemptions applied to a case multiple times, are counted only once per case.

Exemptions Invoked 2009-2010	**Cases**
Paragraph 22(1)(*a*) (Law enforcement and investigation)	1
Paragraph 22(1)(*b*) (Law enforcement and investigation)	1
Section 25 (Safety of individuals)	1
Section 26 (Information about another individual)	121
Section 28 (Medical Record)	1
Total Exemptions Invoked	**12**

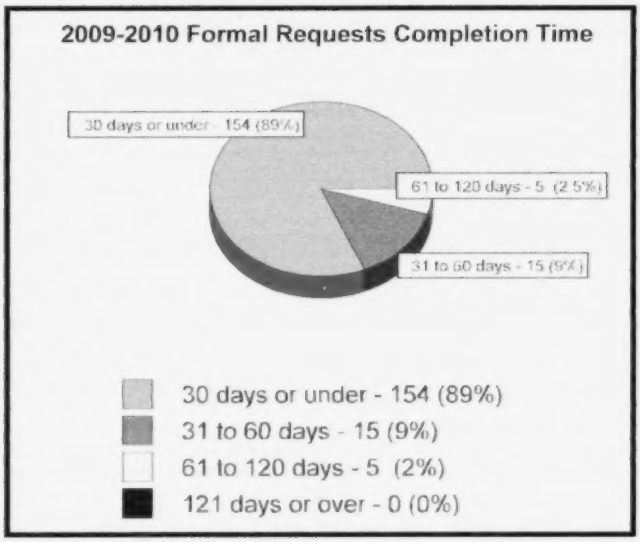
It is also important to note that the high percentage of requests that were "disclosed in part" is due to the fact that Veteran client files contain a significant amount of third party personal information.

IV EXCLUSIONS CITED

Pursuant to sections 69 and 70, the *Privacy Act* does not apply to published material, material available for purchase by the public, material placed in the Library and Archives of Canada or confidences of the Queen's Privy Council for Canada. During this reporting period, there were no exclusions to report.

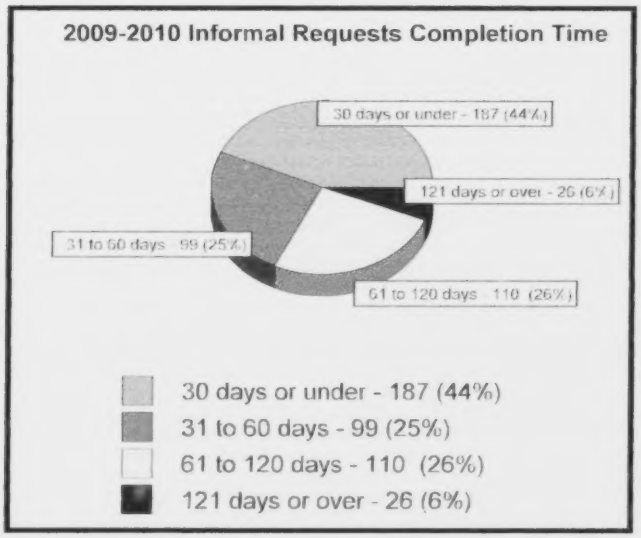
V COMPLETION TIME

Formal Requests


2009-2010 Formal Requests Completion Time
30 days or under - 154 (89%)
61 to 120 days - 5 (2.5%)
31 to 60 days - 15 (9%)
30 days or under - 154 (89%)
31 to 60 days - 15 (9%)
61 to 120 days - 5 (2%)
121 days or over - 0 (0%)

During the 2009-2010 reporting period, VAC completed 154 formal requests in 30 days or under and received an extension for 10 requests, for a total of 164 requests (95 per cent) successfully completed within the legislated time frame. 15 requests were completed within 31-60 days, 5 requests were completed within 61-120 days, and no requests requiring additional time and effort were completed in 121 days or over.

Informal Requests


2009-2010 Informal Requests Completion Time
30 days or under - 187 (44%)
121 days or over - 26 (6%)
31 to 60 days - 99 (25%)
61 to 120 days - 110 (26%)
30 days or under - 187 (44%)
31 to 60 days - 99 (25%)
61 to 120 days - 110 (26%)
121 days or over - 26 (6%)

During the 2009-2010 reporting period, VAC completed 187 informal requests in 30 days or under, 99 requests were completed within 31-60 days, 110 requests were completed in 61-120 days, and 26 requests requiring additional time and effort were completed in 121 days or over.

The Department remains committed to informally process Privacy requests in a timely fashion while balancing the legislated requirements under the formal request process. 58 per cent of the informal requests requiring attention were completed within 60 days

VI EXTENSIONS

During the reporting period a total of 10 requests were extended, of these, 7 were for interference with the operations of a government institution and 3 were for the purpose of consultation with other institutions.

VII TRANSLATIONS

Only 1 privacy request required translation during the 2009-2010 reporting period.

VIII METHOD OF ACCESS

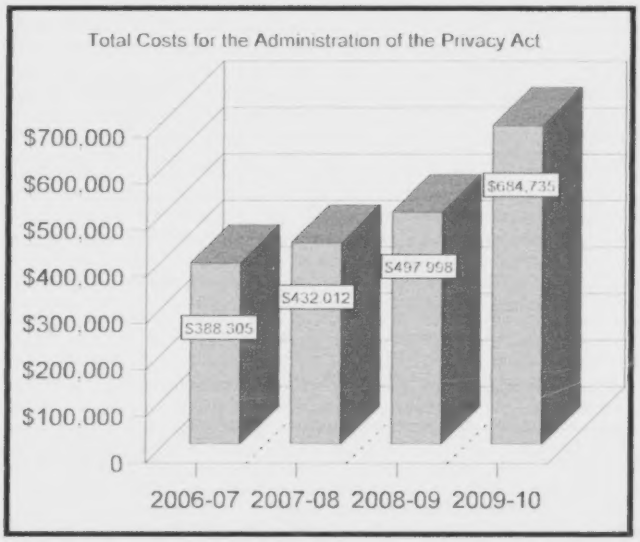
There are three methods of access whereby individuals may obtain the information they have requested. Requesters may receive copies of the material, examine the information during an arranged time or examine and receive copies of the information. Of the 174 formal requests completed, applicants received copies of the material they had requested fully or in part in 149 cases. In the remaining 25 cases, the requests were either abandoned by the applicant (9), transferred to another institution (11), or could not be processed as records did not exist (5).

IX CORRECTIONS AND NOTATIONS

Individuals are entitled to request correction and notation of their personal information where the individual believes there is an error or omission therein. In the 2009-2010 reporting period, one individual made a request for correction, which resulted in one notation being attached to the client's file.

X COSTS

VAC spent a total of $684,735 to administer the *Privacy Act* during the reporting period. Staff salaries accounted for $659,390 which is equivalent to 10.14 person-year utilizations. Other administrative costs (representing operations and maintenance expenditures) amounted to $25,345.



There has been a 38 per cent increase in the total costs for administration of the *Privacy Act* over the last reporting period, and a 76 per cent increase over the past four periods. The requests have been increasingly more complicated, involving more detailed documents and increased processing activity.

In order to cope with this increase, IMSD has allocated more resources to the ATIP Coordinator's Office. Annex 2 provides a summarized table that captures the four-year trend of Privacy work.

6. DESCRIPTION OF MAJOR CHANGES IMPLEMENTED

Department

On April 1, 2009, the Department underwent a refinement of its organization resulting in a structure consisting of three branches and five divisions which report directly to the Deputy Minister of Veterans Affairs. The branches are: Service Delivery and Commemoration; Policy Programs and Partnerships; and Corporate Services. The divisions are: Audit and Evaluation; Bureau of Pensions Advocates; Communications; Departmental Secretariat and Policy Coordination; and Human Resources.

Information Management Services Directorate (IMSD)

In 2009-2010, IMSD undertook many initiatives to gain efficiencies and improve client service under the *Access to Information Act* and the *Privacy Act*.

- VAC's Information Management Services Division and its Information Technology and Telecommunications Division melded to become the Information Technology and Information Management (ITIM) Division in June 2009. This integration has allowed a better flow of information between the technical and records keeping arms of the Department and has moved VAC further towards the Government of Canada model for Information Management, which will benefit VAC's activities related to the *Access to Information Act* and the *Privacy Act*.
- Administration of the *Access to Information Act* and *Privacy Act* continues to be supported by improvements in Information Management at VAC. The Department has made progress against the Year 1 deliverables of its "2008-2009 IM Strategy and Implementation Plan" including: training and awareness as described in Section 7 of this report; the development of a multi-year communications strategy; exploring the use of various technologies to improve the management of information supported by the addition of a technical advisor to the IM staff; a working group which is exploring low-cost alternatives to IM challenges; setting retention periods for the Department's operational records and beginning the realignment of the Department's subject file classification system to match the Records Disposition Authorities; developing a policy to address the requirements of maintaining paper versus electronic records; continuing work to support the implementation of Treasury Board of Canada Secretariat (TBS) ATIP policies and guidelines and TBS Recordkeeping Directive; and establishing the Privacy Impact Assessment management processes. The initiatives identified for the upcoming fiscal year, 2010-2011, will continue to focus on the expansion of awareness and training, practical work and application of the Recordkeeping Directive including a pilot project which will commence clean up of records at Library and Archives Canada; reviewing and modifying the structure of IM to align with the Government of Canada IM profile; and trial work with an Electronic Records Document Management System (ERDMS) complete with a multi-year communications strategy.

- In support of the Treasury Board of Canada Secretariat (TBS) Policy on Information Management, VAC's Finance Division and IMSD continued the practice of contract review to ensure that IM and ATIP requirements are included in contractual terms and conditions for contractors and third parties providing services to, or on behalf of, VAC. IM Specialists review Statements of Work for professional service contracts and provide content, advice and guidance to managers regarding IM and ATIP issues. 122 contracts were reviewed in the 2009-2010 Fiscal Year.
- In 2009-2010, VAC Privacy Specialists reviewed 570 departmental forms to ensure sufficient notice statements are created and all legislative and policy requirements are met.
- The results of the Management Accountability Framework (MAF) Round VI assessment recognized the improvements that have been made in VAC's reporting of the departmental personal information holdings. VAC completed an update and restructuring of its 32 Personal Information Banks (PIBs) to align with the departmental Program Activity Architecture (PAA). In addition, VAC undertook an initiative to review its classes of records and the redesign of the *Info Source Chapter* to support it during FY 2009-2010. Additional holdings of personal information that fall outside the PAA, or where services have a unique use of personal information, are being added to ensure a comprehensive listing of holdings.
- IMSD worked with the Audit and Evaluation (A&E) Division to ensure ATIP and IM interests are considered in the A&E planning process. ATIP and IM interests continue to be represented through the Chief Information Officer/ADM Corporate Services as part of the Annual Audit Planning Process. When information management or privacy is identified as a relevant issue or risk, then it may be incorporated into an audit's scope and objectives. When IM is included in an audit, the criteria to be tested will be developed by A&E based on relevant policies, regulations, legislation, etc., and consultations with IMSD.

7. PRIVACY TRAINING AND AWARENESS

Training

During the 2009-2010 fiscal year, Access to Information and Privacy training was provided to 342 staff members of the Portfolio during 21 sessions. The training provided staff at all levels with an opportunity to gain basic knowledge of the *Access to Information Act* and the *Privacy Act*. Staff members had the opportunity to hear and ask questions about their roles and responsibilities in regards to Access to Information and Privacy. Training and Awareness during the fiscal year included:

- A two-hour presentation titled "IM at Work - Demystifying Information Management" was delivered to management and staff at Veterans Affairs Canada. The training session includes an overview of Information Management responsibilities, documentation, Privacy, Access to Information and practical

guidance on day-to-day management of information, the services available at VAC in relation to IM and ATIP and a question and answer segment. The objective of the session is to expand staff knowledge of IM and ATIP, specifically staff responsibilities, and to ensure staff members have sufficient knowledge to meet basic IM and ATIP requirements. The session is designed to leave attendees with: an understanding of the services of the Directorate; an ability to recognize when they need assistance from an ATIP or IM specialist; and who to contact for help. During the fiscal year, 13 sessions were conducted.

- The topics covered in the two-hour "IM at Work - Demystifying Information Management" session were integrated into the new Managers and Supervisors Orientation Program (MSOP). IM staff members continued to have an active role as subject matter experts to ensure ATIP and IM information, responsibilities, policy and legislative issues were addressed within the MSOP training and the participants' manual. Seven sessions were conducted since our last reporting period. Staff members from across the country are required to attend the mandatory session when they enter a supervisory or managerial role within VAC.
- A guide has been prepared to help staff members improve the overall management of electronic information, as well as their general productivity. IM Staff members meet or respond to inquiries from program areas on a regular basis, and staff members are available to provide training on individual topics, as requested, such as 'G' drive clean up.

Awareness

- During this fiscal year, 350 record retention periods were set, covering information holdings in 50 different work units. This was in relation to a comprehensive Records Disposition Authority granted by the Librarian and Archivist of Canada in June 2009. This gave a wide breadth of IM staff the opportunity to discuss good record keeping within the context of Privacy and Access to Information principles.
- The IM/IT internal (intranet) website covers all aspects of IM (including Access to Information and Privacy) within the VA Portfolio and provides an easily accessible resource for all staff. The website is used as a primary communication tool with regular updates being added to the site during the fiscal year.
- The website provides staff with resources, tools and best practices related to Information Management and ATIP. This year, it was updated to include the IM strategic plan and to reflect departmental changes to IM governance.
- In May 2009, VAC launched an improved external ATIP website targeted at clients. The content has been developed to assist clients to better understand their rights, how to access information, how to make a formal Access to Information or Privacy request, as well as to provide information on *Info Source*, Annual Reports, Privacy Impact Assessments and valuable links to the Office of the Privacy Commissioner, Office of the Information Commissioner, Library and Archives Canada and to the *Info Source* publication. The site is updated as required and is a valuable tool to both clients and staff members.

- VAC created 32 new Personal Information Banks (PIBs) to align with the departmental Program Activity Architecture (PAA). This provided another awareness opportunity for IM staff to focus program area staff on Privacy and Access to Information principles.

8. POLICIES AND GUIDELINES

In the 2009-2010 fiscal year, VAC continued its review and communication of existing and revised policies and guidelines.

- IM staff participated on 46 departmental working groups, providing an opportunity to promote both an understanding of ATIP and IM issues and ensure new projects and programs meet legislative and policy requirements. Staff members provide advice and guidance to project teams during the development and implementation of the project/program and follow through once the project/program is in place.
- The Directorate reviewed and identified potential areas that would benefit from Internal Directives and Guidelines that would support the Policy on Information Management, Directive on Record Keeping, Policy on Privacy Protection and the Policy on Access to Information.
- To improve communications and to increase awareness and knowledge of IM and ATIP throughout the Department, the Directorate worked closely with the Communications Division to identify considerations and develop an approach and an action plan for an IM Communications Strategy at VAC.

9. COMPLAINTS AND INVESTIGATIONS

In 2009-2010, the Privacy Commissioner received three (3) complaints against VAC and four (4) complaints carried over from 2008-2009 for a total of seven (7) complaints requiring attention. Five (5) complaints received a ruling and two (2) have been carried over to 2010-2011.

Of the complaints that received a ruling, three (3) complaints were not well founded and two (2) were well founded and resolved.

The substance of the complaints was as follows:

- One complaint alleged refusal of access to records which were exempted under section 27 of the *Privacy Act* - "not well-founded".
- One complainant alleged that since VAC did not use the information to assess the individual's pension, it should not have collected it - "not well founded".
- One complainant alleged that VAC improperly disclosed his medical information to the RCMP - "not well-founded".
- Two individuals complained that VAC contravened the Use and Disclosure provisions of the *Privacy Act* - both cases were "well founded" and "resolved"-.

10. PRIVACY IMPACT ASSESSMENTS (PIAS)

To fulfill its mandate, many of the VAC programs and services require the collection, use and disclosure of personal information. As the custodian of this personal information, and in accordance with Treasury Board policy, VAC conducts Privacy Impact Assessments (PIAs) on new programs, systems or policies, or when substantial modifications are made to an existing program, system or policy.

In 2009-2010, VAC completed 6 PIAs of different programs. On June 18, 2009, amendments to the *War Veterans Allowance Act* received Royal Assent, expanding the War Veterans Allowance (WVA) Program and associated benefits to Allied Veterans who served during the Second World War or the Korean War, to their survivors and/or their dependents.

These amendments impacted six programs operated at VAC: War Veterans Allowance (WVA), Assistance Fund, Health Care Benefits, Veterans Independence Program (VIP), Long Term Care, and the Funeral and Burial Program. While the modifications to the programs were not substantial, these changes afforded an opportunity to complete a PIA on each program, something that had not been done since the implementation of the TBS PIA Policy.

A brief summary of the PIAs is presented below, along with the hyperlink to the PIA Summary on the VAC website.

PIAs in Support of the Allied Veterans Initiative

War Veterans Allowance Program, Assistance Fund, Health Care Benefits Program, Long Term Care Program, Veterans Independence Program, Funeral and Burial Program

The PIAs for the six programs affected by the amendments to the War Veterans Allowance Act focus on how personal information is being collected, used and disclosed within the processes for each program.

Each program provides benefits and services that allow for the proper treatment and care for eligible individuals.

- The War Veterans Allowance Program provides financial assistance in the form of a monthly grant payment to low-income clients.
- The Assistance Fund provides War Veterans Allowance recipients, residing in Canada, with financial assistance to meet an emergency or unexpected contingency for which they do not have resources.
- The Health Care Benefits Program provides a comprehensive set of benefits and services to address multiple challenges faced by eligible individuals, including medical treatments.
- The Long Term Care Program works in cooperation with the provinces, territories and regional health authorities and with long-term care facilities to financially support eligible individuals in a long-term care setting.

- The Veterans Independence Program provides assistance for eligible individuals in their homes and communities to allow them to remain independent and self-sufficient in their homes and communities for as long as possible.
- The Funeral and Burial Program allows VAC to provide financial assistance so that eligible individuals receive a dignified funeral and burial.

The PIAs conducted in support of the initiative, identified a number of potential privacy risks based on the ten privacy principles. A privacy risk management plan was developed for each program and implementation is under way to address the identified risks.

The link is: http://www.vac-acc.gc.ca/general/sub.cfm?source=department/reports/pia

11. DISCLOSURES PURSUANT TO PARAGRAPH 8(2)(*m*)

There was one disclosure of personal information pursuant to paragraph 8(2)(*m*)(i) of the *Privacy Act* during the reporting period which provides for disclosure for any purpose where, in the opinion of the head of the institution, the public interest in disclosure clearly outweighs any invasion of privacy that could result from the disclosure. The Privacy Commissioner was notified before the disclosure.

12. DISCLOSURES PURSUANT TO SUBSECTION 8(2)

During the reporting period, VAC made 51 additional disclosures of personal information pursuant to various paragraphs under subsection 8(2) of the *Privacy Act*.

Disclosure	Cases
Paragraph 8(2)(*a*) (Consistent Use)	1
Paragraph 8(2)(*b*) (In accordance with any Act of Parliament)	3
Paragraph 8(2)(*c*) (Compliance with a subpoena or warrant)	6
Paragraph 8(2)(*d*) (Disclosure to the Attorney General of Canada)	14
Paragraph 8(2)(*e*) (Disclosure to an investigative body)	1
Paragraph 8(2)(*f*) (Disclosure under an agreement between the Government of Canada and the government of a province)	24
Paragraph 8(2)(*l*) (Government institution to collect a debt owing to Her Majesty)	2
Total Disclosures	**51**

This is a 189 per cent increase in disclosures over last reporting period.

13. APPEALS TO THE COURTS

VAC has no appeals to the courts to report for the reporting period, April 1, 2009, to March 31, 2010.

Annexes

Annex 1 - Statistical Report on the *Privacy Act*

Government of Canada / Gouvernement du Canada

REPORT ON THE *PRIVACY ACT*

RAPPORT CONCERNANT LA *LOI SUR LA PROTECTION DES RENSEIGNEMENTS PERSONNELS*

Institution	Reporting period/Période visée par le rapport
Veterans Affairs Canada/Anciens Combattants Canada	2009-04-01 to/à 2010-03-31

I Request under the *Privacy Act*/ Demand en vertu de la *Loi sur la protection des renseignements personnels*

Received during reporting period/ Reçues pendant la période visée par le rapport	172
Outstanding from previous period/ En suspens depuis la période antérieure	17
TOTAL	189
Completed during reporting period/ Traitées pendant la période visées par le rapport	174
Carried forward/ Reportées	15

II Disposition of request completed/ Disposition à l'égard des demandes traitées

1.	All disclosed/ Communication totale	31
2.	Disclosed in part/ Communication partielle	118
3.	Nothing disclosed (excluded)/ Aucune communication (exclusion)	0
4.	Nothing disclosed (exempt)/ Aucune communication (exemption)	0
5.	Unable to process/ Traitement impossible	5
6.	Abandoned by applicant/ Abandon de la demande	9
7.	Transferred/ Transmission	11
TOTAL		174

III Exemptions invoked/ Exceptions invoquées

S. Art. 18(2)	0
S. Art. 19(1) (a)	0
(b)	0
(c)	0
(d)	0
S. Art.20	0
S. Art. 21	0
S. Art. 22(1) (a)	1
(b)	1
(c)	0
S. Art. 22(2)	0
S. Art. 23 (a)	0
(b)	0
S. Art. 24	0
S. Art.25	1
S. Art. 26	121
S. Art. 27	0
S. Art. 28	1

IV Exclusions cited/ Exclusions citées

S. Art. 69(1) (a)	0
(b)	0
S. Art. 70(1) (a)	0
(b)	0
(c)	0
(d)	0
(e)	0
(f)	0

V Completion time/ Délai de traitement

30 days or under/ 30 jours ou moins	154
31 to 60 days/ De 31 à 60 jours	15
61 to 120 days/ De 61 à 120 jours	5
121 days or over/ 121 jours ou plus	0

VI Extentions/ Prorogations des délais

	30 days or under/ 30 jours ou moins	31 days or over/ 31 jours ou plus
Interference with operations/ Interruption des opérations	7	0
Consultation	3	0
Translation/ Traduction	0	0
TOTAL	10	0

VII Translations/ Traductions

Translations requested/ Traductions demandées		1
Translations prepared/ Traductions préparées	English to French/ De l'anglais au français	0
	French to English/ Du français à l'anglais	1

VIII Method of access/ Méthode de consultation

Copies given/ Copies de l'original	149
Examination/ Examen de l'original	0
Copies and examination/ Copies et examen	0

IX Corrections and notations/ Corrections et mention

Corrections requested/ Corrections demandés	0
Corrections made/ Corrections effectuées	0
Notation attached/ Mention annexée	0

IX Costs/ Coûts

Financial (all reasons)/ Financiers (raisons)	
Salary/ Traitement	$ 659,257.00
Administration (O and M)/ Administration (fonctionnement et maintien)	$ 25,345.00
TOTAL	$ 684,602.00

Person year utilization (all reasons)/ Années-personnes utilisées (raisons)	
Person year (decimal format)/ Années-personnes (nombre décimal)	10.14

Canada

TBS/SCT 350-63 (Rev. 1999-03)

Annex 2 - Four-Year Statistical Analysis

	2006-2007	2007-2008	2008-2009	2009-2010	Variance 2009-2010 over 2008-2009
Requests	117	107	141	172	22%
Requests carried forward from prior year	10	9	5	17	240%
Total requests	127	116	146	189	30%
Completed requests	118	111	129	174	35%
Requests carried forward to next year	9	5	17	15	- 11%
Completed in 30 days or under	108	94	118	154	31%
Completed in 31 days or over	10	17	10	20	100%
Exemptions invoked	68	80	81	125	55%
Extensions	1	1	2	10	400%
Total costs for the administration of the *Privacy Act*	$388,305	$432,010	$497,998	$684,735	38%
Salaries	$376,960	$417,655	$466,780	$659,390	42%
FTEs	6.56	7.74	8.70	10.14	17%
Administration costs (Operations and Maintenance)	$11,345	$14,355	$31,220	$25,345	- 18%
Disclosures	18	59	18	52	189%
Informal requests received	507	474	595	497	- 16%
Informal requests completed	Not Reported	Not Reported	534	422	- 21%
Complaints received	1	0	5	3	- 40%
Complaints ruled on	2	1	4	5	25%
PIAs completed	2	7	1	6	500%
Translations	0	0	0	1	100%

This publication can be made available upon request. For further information or to obtain additional copies please contact:

ATIP Coordinator's Office
Veterans Affairs Canada
PO Box 7700
Charlottetown, Prince Edward Island
C1A 8M9

Tel.: 902-368-0610
Fax: 902-566-7475